

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2017 MAR 23 PM 2:54

DEPUTY CLERK

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TODRICK MORRIS, PRO SE,
TDCJ-CID No. 854732,

Plaintiff,

v.

AUGUSTINE MELENDREZ ET AL.,

Defendants.

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2:15-CV-0128

ORDER OF DISMISSAL

Plaintiff TODRICK MORRIS, acting *pro se*, while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above named defendants, and has been granted permission to proceed *in forma pauperis*.

On March 3, 2017, the Magistrate Judge issued a Report and Recommendation analyzing plaintiff's claims and recommending dismissal with prejudice on the grounds of qualified immunity, with prejudice as frivolous as to his property deprivation claims, and without prejudice for failure to state a claim. The Magistrate Judge further recommended granting the Motion for Summary Judgment filed by defendants and denying the Motion for Summary Judgment filed by the plaintiff.

No objections to the Report and Recommendation have been filed, and the response period has expired.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that

the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the Defendants' Motion for Summary Judgment on the ground of qualified immunity be GRANTED. Further, it is ORDERED that the plaintiff's Motion for Summary Judgment be DENIED. Pursuant to Title 28, United States Code, sections 1915A and 1915(e)(2), as well as Title 42, United States Code, section 1997e(c), it is ORDERED that the Civil Rights Claims filed pursuant to Title 42, United States Code, Section 1983, by plaintiff TODRICK MORRIS against defendants MELENDREZ, MADRID, ANDERSON and FLANAGAN be DISMISSED WITH PREJUDICE ON THE GROUND OF QUALIFIED IMMUNITY, DISMISSED WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM, and DISMISSED WITH PREJUDICE AS FRIVOLOUS as to his property deprivation claim.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record by first class mail.

All other pending motions are DENIED.

IT IS SO ORDERED.

Signed this the 23rd day of March, 2017.


MARY LOU ROBINSON
United States District Judge